

BILL NO. G-95-07-07 (AS AMENDED)

GENERAL ORDINANCE NO. G- 04-96

AN ORDINANCE amending the Thoroughfare  
Plan of the City Comprehensive ("Master")  
Plan by vacating public right-of-way thereof.

WHEREAS, a petition to vacate public right-of-way within the City of Fort Wayne  
(as more specifically described below) was duly filed with the City Planning Commission;  
and

WHEREAS, said Commission duly held a public hearing thereon; and

WHEREAS, said Commission has duly forwarded its recommendation to this body  
approving said petition, and this body having held a public hearing on said vacation as  
provided in I.C. 36-7-3-12; and

WHEREAS, this body concurs in the recommendation of the City Planning  
Commission.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE  
CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the petition filed herein to vacate public right-of-way within the  
City of Fort Wayne, more specifically described as follows, to-wit:

An alley south of lots number 67, 68 and W½ of 69, and north of lot number 105  
in Highland Park Forest Addition.

and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master")  
Plan and is hereby approved in all respects.

SECTION 2. That this Ordinance shall be in full force and effect from and after  
its passage, any and all necessary approval by the Mayor.

Thomas E. Heyburn  
COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:

Timothy McCaulay  
TIMOTHY MCCAULAY, CITY ATTORNEY

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\*\* Public hearing to be held on Tuesday  
the 27th day of February, 1996.  
in the Council Chambers.

Sandra E. Kennedy  
Sandra E. Kennedy, City Clerk

*From the desk of:*  
**Pat Biancaniello**

AGENT:

Bob Haller  
444 E Main St  
City 02

~~426-0444~~  
~~426-0444~~

426-0444



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3 BILL NO. G-95-07-07

4 GENERAL ORDINANCE NO. G-\_\_\_\_\_

5 AN ORDINANCE amending the Thoroughfare  
6 Plan of the City Comprehensive ("Master")  
7 Plan by vacating public right-of-way thereof.

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9 (as more specifically described below) was duly filed with the City Planning Commission;  
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11 WHEREAS, said Commission duly held a public hearing thereon; and

12 WHEREAS, said Commission has duly forwarded its recommendation to this body  
13 approving said petition, and this body having held a public hearing on said vacation as  
14 provided in I.C. 36-7-3-12; and

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21  
22 An alley south of lots number 67, 68 and W½ of 69, and north of lot number 105  
23 in Highland Park Forest Addition; also vacation of Allen Avenue from the south  
24 lines of lots 107 and 121 Highland Park Forest Addition to the South right-of-way  
25 of Clinton Street.

26 and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master")  
27 Plan and is hereby approved in all respects.

28 SECTION 2. That this Ordinance shall be in full force and effect from and after  
29 its passage, any and all necessary approval by the Mayor.

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32 COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:

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32 J. TIMOTHY MCCAULAY, CITY ATTORNEY

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\*\* Public hearing to be held on \_\_\_\_\_,  
the \_\_\_\_\_ day of \_\_\_\_\_, 1995,  
in the Council Chambers.

\_\_\_\_\_  
Sandra E. Kennedy, City Clerk



Read the first time in full and on motion by \_\_\_\_\_,  
and duly adopted; read the second time by title and referred to the  
committee on \_\_\_\_\_ (and the City Plan Commission  
or recommendation) and Public Hearing to be held after due legal notice, at  
the Common Council Council Conference Room 128, City-County Building, Fort  
Wayne,, Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of  
\_\_\_\_\_, 19\_\_\_\_\_, at \_\_\_\_\_ o'clock  
\_\_\_\_\_, M., E.S.T.

DATED: \_\_\_\_\_

SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Hayhurst,  
and duly adopted, placed on its passage. PASSED HOST  
by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	7			2
BENDER	✓			
CRAWFORD	✓			
EDMONDS				✓
HALL	✓			
HAYHURST	✓			
HENRY	✓			
LUNSEY	✓			
RAVINE	✓			
SCHMIDT				✓

DATED: 2-27-96

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,  
Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)

(SPECIAL) (ZONING) Ordinance RESOLUTION NO. 2-04-96

on the 27th day of February, 1996

ATTEST:

(SEAL)

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Rebecca Perrie  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on  
the 28th day of February, 1996,  
at the hour of 11:00 o'clock A., M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 4th day of March,  
1996, at the hour of 2:00 o'clock P. M., E.S.T.

Paul Helmke  
PAUL HELMKE, MAYOR

Read the first time in full and on motion by Parine,  
and duly adopted, read the second time by title and referred to the  
Committee on Regulations (and the City Plan Commission  
for recommendation) and Public Hearing to be held after due legal notice, at  
the Common Council Council Conference Room 128, City-County Building, Fort  
Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_  
19\_\_\_\_\_, at \_\_\_\_\_ o'clock  
\_\_\_\_\_, M., E.S.T.

DATED: 7-11-95.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by \_\_\_\_\_,  
and duly adopted, placed on its passage. PASSED LOST  
by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	_____	_____	_____	_____
<u>BRADBURY</u>	_____	_____	_____	_____
<u>EDMONDS</u>	_____	_____	_____	_____
<u>GiaQUINTA</u>	_____	_____	_____	_____
<u>HENRY</u>	_____	_____	_____	_____
<u>LONG</u>	_____	_____	_____	_____
<u>LUNSEY</u>	_____	_____	_____	_____
<u>RAVINE</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	_____	_____	_____	_____
<u>TALARICO</u>	_____	_____	_____	_____

DATED: \_\_\_\_\_

\_\_\_\_\_  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,  
Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)  
(SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

ATTEST:

(SEAL)

\_\_\_\_\_  
SANDRA E. KENNEDY, CITY CLERK

\_\_\_\_\_  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on  
the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_,  
at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_, M., E.S.T.

\_\_\_\_\_  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this \_\_\_\_\_ day of \_\_\_\_\_,  
19\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_, M., E.S.T.

\_\_\_\_\_  
PAUL HELMKE, MAYOR



RECEIPT

No 14973

COMMUNITY & ECONOMIC DEVELOPMENT

FT. WAYNE, IN., May 2 1995

RECEIVED FROM Beure, Wilds \$ 200.00  
THE SUM OF Two Hundred and no/100s DOLLARS  
ON ACCOUNT OF Unc. Ally & street peltation

W.E. [Signature]  
AUTHORIZED SIGNATURE

PAID BY: CASH ☐ CHECK ☒ M.O. ☐





# Vacation Petition

Community & Economic Development / 1 Main Street Rm. 830  
Fort Wayne, IN 46802 / (219) 427-1140

I/We do hereby petition to vacate the following:

☐ Plat or portion of plat

☒ Easement

☒ Public Right-of-Way (street or alley)

More particularly described as follows:

An alley south of lots number 67, 68, and W $\frac{1}{2}$  of 69, and north of lot number 105 in Highland Park Forest Addition; also vacation of Allen Avenue from the south lines of lots 107 and 121 Highland Park Forest Addition to the South right of way of Clinton Street.

(Please attach a legal description of the property)

The reasons for the proposed vacation are as follows:

To facilitate the development of a proposed office complex including relocation of an open drain. Applicant owns all property abutting the portion of the alley and street sought to be vacated. The alley between Allen and Parkhill is unimproved. A 400 year old oak tree stands in the middle of the west end of the alley and a poor uneven entry onto Allen tears the exhaust system off low sitting cars. It also enters Allen at an unsafe place near the intersection at Clinton. The neighborhood association doesn't support vacating the east end of the alley\*

(If additional space is needed please attach a separate page)

\*with its main concern as parking for its community center needing ingress and egress from Parkhill. Vacating the west end of the alley should have No effect on their Property owner(s) name(s): BRUCE W. WILDS hall.

Street Address: 3720 NORHT CLINTON STREET

City: FORT WAYNE State: IN Zip: 46805 Phone: (219) 484-2567

(If additional space is needed please attach a separate page)

Applicants Name (if different from above): \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ Phone: \_\_\_\_\_

I/We, your petitioners, file this petition pursuant to the authority granted in Indiana Code, and provisions of local ordinance. I/We agree to abide by all provisions of the Fort Wayne Zoning Ordinance and/or Subdivision Control Ordinance, as well as all procedures and policies of the Fort Wayne City Plan Commission as those provisions, and policies relate to the handling and disposition of this petition. I/We also certify that this information is true and accurate to the best of my/our knowledge.

Bruce W. Wilds BRUCE W. WILDS MAY 1, 1995  
Signature Printed Name Date

3620 NORTH CLINTON STREET

Address

FORT WAYNE, INDIANA 46805

City/state/zip

\_\_\_\_\_  
Signature Printed Name Date

\_\_\_\_\_  
Address

\_\_\_\_\_  
City/state/zip

Agents Name (Please print legibly): ROBERT W. HALLER  
Street Address: HALLER & COLVIN, 444 EAST MAIN STREET  
City: FORT WAYNE State: IN Zip: 46802 Phone: (219) 426-0444

**NOTICE:**

- Legal description is to be of the area to be vacated and must be complete and correct. If necessary a licensed surveyor's legal description may be required.
- All adjacent property owner's signatures must accompany this application.
- Applicant is hereby informed that in the case of a utility being located in a public way or easement, the applicants may be required to bear the cost of relocation, or of providing a replacement easement or easements as needed.
- Applicant is also hereby informed that the vacation of a subdivision plat does not necessarily vacate any dedicated right-of-way(s) or utility easement(s), nor any restrictive covenants that may apply.

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For Office Use Only:

Receipt #:

Date Filed:

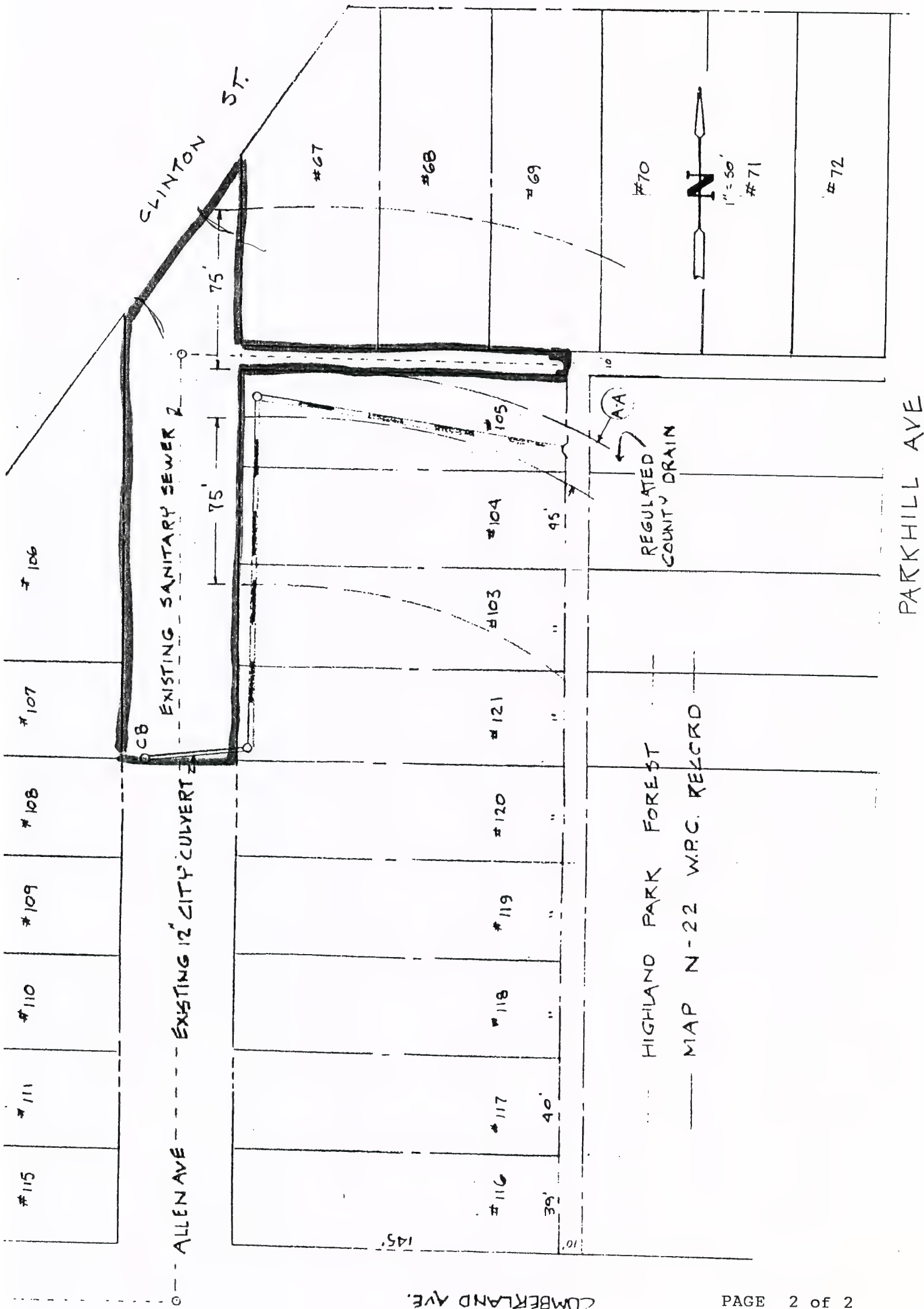
Map #:

Reference #:

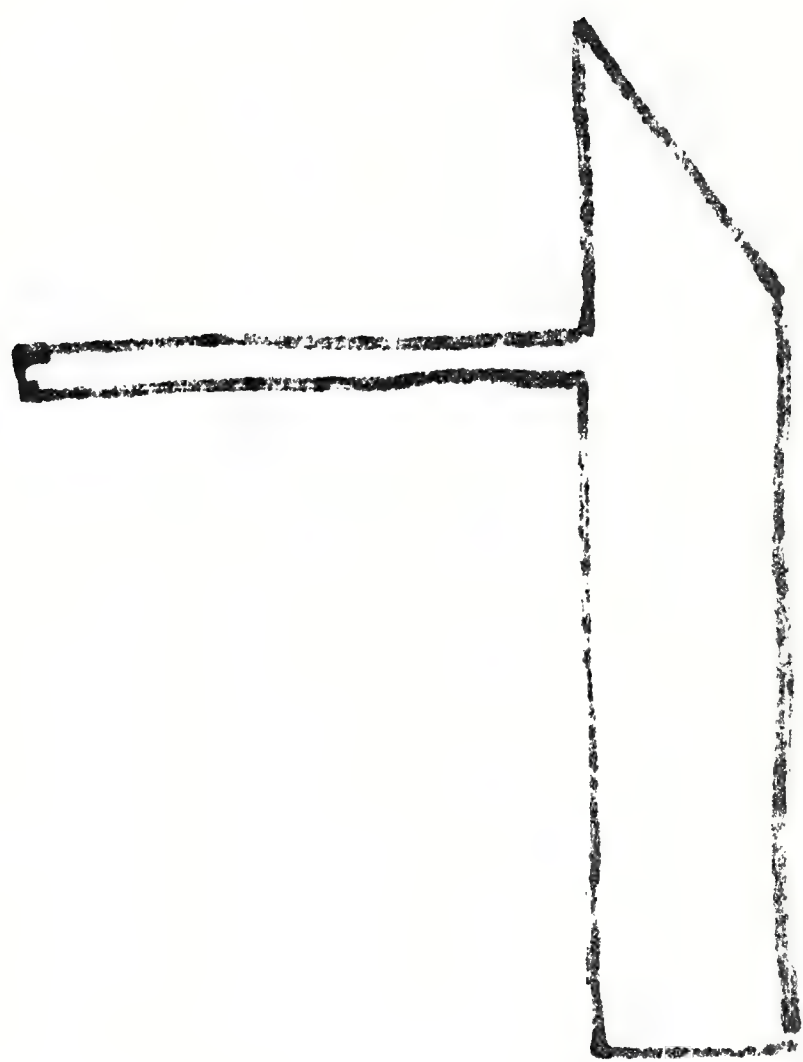


EXHIBIT "A"

RIDGEWOOD DR.



CUMBERLAND AVE.





RESOLUTION 82-142-5

WHEREAS, BRUCE WILDS has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated alley situated in Fort Wayne, Allen County, to-wit:

An alley south of lots number 67, 68 and W½ of 69, and north of lot number 105 in Highland Park Forest Addition.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947; of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-3-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated alley hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said dedicated alley hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of dedicated alley or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)  
                  ) SS:  
COUNTY OF ALLEN )

I, LINDA BUSKIRK, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held WED. JAN. 17, 1996 and as same appears of record in the official records of the Board of Public Works.

DATED THIS 17 DAY OF JANUARY 1996  
FORT WAYNE BOARD OF PUBLIC WORKS

Linda Buskirk  
Linda Buskirk  
Chairman, Board of Public Works

C. James Owen  
C. James Owen  
Member, Board of Public Works

Terrance P. McCaffrey  
Terrance P. McCaffrey  
Member, Board of Public Works

## RESOLUTION

WHEREAS, BRUCE WILDS has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated alley situated in Fort Wayne, Allen County, to-wit:

An alley south of lots number 67, 68 and W½ of 69, and north of lot number 105 in Highland Park Forest Addition.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-3-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said public hearing was held on July 17, 1995 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated alley.

WHEREAS, said vacation of dedicated alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated alley hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated alley hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated alley or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated alley in Allen County, Indiana.

STATE OF INDIANA)


) SS:

COUNTY OF ALLEN )

I, Carol Kettler Sharp, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held, July 24, 1995 and as the same appears of record in the official records of said Plan Commission.

DATED THIS 31 DAY OF January 1996

FORT WAYNE CITY PLAN COMMISSION

  
\_\_\_\_\_  
Carol Kettler Sharp  
Secretary



# FACT SHEET

G-95-07-07

## Division of Community Development & Planning

BILL NUMBER

BRIEF TITLE

APPROVAL DEADLINE

REASON

Street & Alley Vacation

### DETAILS

#### Specific Location and/or Address

Portions of Alley Avenue and of an E/W alley east of Allen Avenue.

#### Reason for Project

Potential development of an office complex.

#### Discussion (Including relationship to other Council actions)

17 July 1995 - Public Hearing

See Attached Minutes of Meeting

24 July 1995 - Business Meeting

Motion was made and seconded to act upon the petition of the two right-of-ways separately. On the request to vacate Allen Avenue it was moved and seconded to DENY the request. On the request to vacate a portion of the E/W alley it was moved and seconded to return the ordinance (as amended) to the Common Council with a DO PASS recommendation, contingent upon the petitioner providing utility easements or relocations as needed.

Of the eight (8) members present, seven voted in favor of the motion, the Chair did not vote.

Motion Carried.

### POSITIONS

### RECOMMENDATIONS

#### Sponsor

City Plan Commission

#### Area Affected

City Wide

Other Areas

#### Applicants/ Proponents

Applicant(s)

Bruce Wilds  
City Department

Other

#### Opponents

Groups or Individuals

Darwin Highlen

Mark Hoeppe

Basis of Opposition

-would deter traffic flow for businesses currently in operation in this area

#### Staff Recommendation

☒ For ☐ Against

Reason Against

(AS AMENDED)

#### Board or Commission Recommendation

By

☒ For ☐ Against  
☐ No Action Taken

☐ For with revisions to conditions  
(See Details column for conditions)  
(AS AMENDED)

#### CITY COUNCIL ACTIONS (For Council use only)

☐ Pass ☐ Other  
☐ Pass (as amended) ☐ Hold  
☐ Council Sub. ☐ Do not pass

Members Present: Linda Buskirk, Ernest Evans,  
James Hoch, Thomas Quirk, Dave Ross,  
Carol Ketter Sharp, Mel Smith, Vicky VerPlanck

Member Absent: Donald Schmidt

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

Reference or Case Number



a. Bill No. G-95-07-07 - Vacation Petition #583

A portion of Allen Avenue and a portion of an east/west alley running adjacent and east of Allen Avenue.

Bob Haller, attorney for the petitioner, appeared before the Commission. Mr. Haller stated Bruce Wilds, the petitioner, owns the property on both sides of Allen Avenue that they are asking to vacate. He stated that they alley an unimproved right-of-way. He stated that Mr. Wilds owns all of the property on both sides of the alley to be vacated.

Don Schmidt questioned if the alley vacation and rezoning of the adjacent property are all a package deal.

Mr. Haller stated that they consider them separate issues. Mr. Haller stated that the petitioner is willing to grant easements as required by any of the utilities needing them. He stated that they are also willing to dedicated an easement for pedestrian traffic over the vacated areas. He stated that they will be relocating the drain, which was referenced by Mr. Highlen. He stated that they would work the details out with the appropriate city department for the drainage ditch. Mr. Haller stated that they have proposed a cul-de-sac. He stated that it is drawn to specifications and the cul-de-sac is contained entirely on Mr. Wilds property, and would afford a turn around for people who use Allen Avenue as an exit onto Clinton Street. Mr. Haller stated that they can build the proposed office buildings without vacating any of this right-of-way, but Allen Avenue is a very sharp turn off of Clinton Street. He stated that they propose to have the new exit, if Allen Avenue is vacated, at a 90 degree angle to the street. (This is shown on the drawing submitted to the Commission.) He stated that he understands that this is a complicated situation and he would request that the Commission be approved, with condition that time be given to the petitioner to work out the conditions with the staff.

Pat Fahey questioned if the drain were a statutory easement and if it ran over the entire property.

Mr. Nightingale stated that this ditch drains into the storm sewer out on Clinton Street. He stated that it is only a drain on paper, there is no water coming down the old drain.

Pat Fahey asked if it was their intent to go to the drainage board and ask for a waiver to build over the property.

Mr. Nightingale stated that he had already been to the drainage board.

Linda Buskirk stated that she thought that he had stated that the petitioner would relocate the drainage ditch, but it was not what the engineer stated.

Mr. Nightingale stated that what water comes down that ditch currently, does not come from the old drainage area, it comes from adjacent property and some streets in the area. He stated that they will put it underground.

Mark Hoeppner, President of Bindery Inc., a business located at the corner of Clinton and Cumberland Avenue stated that he opposed the vacation of Allen Avenue, because he felt it would be a detriment to the flow of traffic for his business as well as Mr. Highlen's business. He stated that it is very difficult for the merchants on the east side of Clinton Street & Coldwater Rd for clientele to gain access to the property. He stated that Allen Avenue is currently a through

street and it does help people to gain access to their businesses.

Ernest Evans asked Mr. Hoepfner to describe how people accessed his business by using Allen Avenue.

Mr. Hoepfner stated that if they are travelling south on Clinton Street they can turn left onto Allen Avenue and come down Cumberland to his property. He stated that if they are coming south bound on Coldwater Road, they can make a left hand turn, and come around the loop and make a right hand turn onto Allen Avenue and come back in around Mr. Highlen's business and into his.

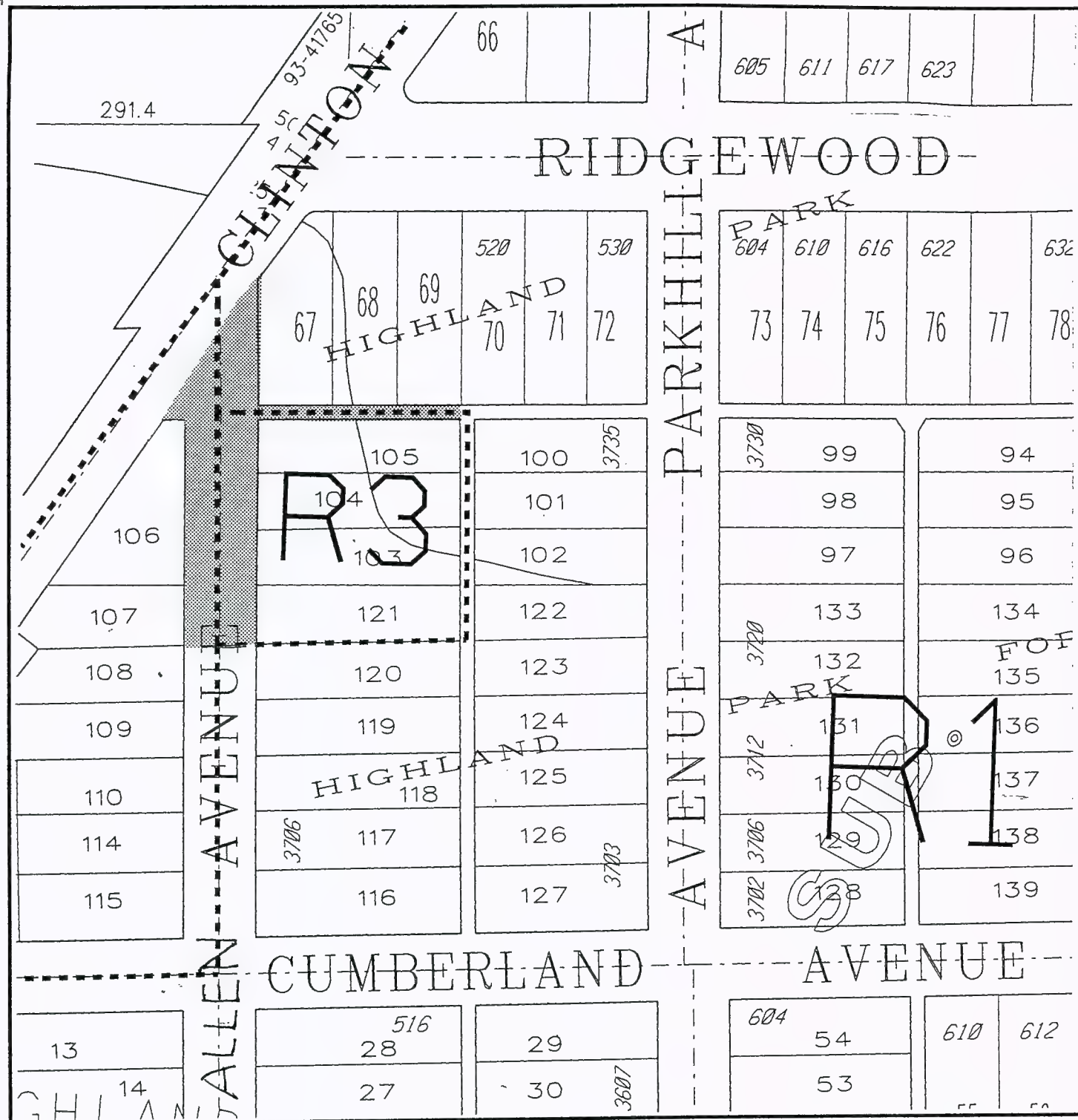
Darwin Highlen stated that there were several issues that he would like to address with regard to requested vacation. Approximately 40% of the traffic that frequents his business uses Allen Avenue for ingress and egress. He stated that he felt it would be a detriment to his business as well as other small businesses in the area for the street to be closed. He stated that they on occasion have semi-trailers come to the back of his store, so that they can unload products. He stated that they have a very difficult time trying to get around Cumberland Avenue and so they use the Allen Avenue as ingress so that they can unload. He stated that it would be an impossibility for a semi to ingress or egress at the light, which is right in front of his store on Clinton Street. He stated that there was mention of a turn-around being installed if the alley was to be vacated. He stated that he believed that the turn-around would be right before his parking lot. They would be using his lot to turn-around. He stated that he owned property on both side of the street. He stated that the drainage ditch is still in use. He stated that when it rains they get a tremendous amount of water.

There was no one else present who spoke in favor of or in opposition to the proposed vacation.

# VACATION PETITION

AREA MAP

CASE NO. #583



COUNCILMANIC DISTRICT NO. 3

Map No. N- 26  
LW 5-22-95

<b>R1</b>	One-Family	<b>B1</b>	Limited Business	<b>M1</b>	Light Industrial
<b>R2</b>	Two-Family	<b>B2</b>	Planned Shopping Center	<b>M2</b>	General Industrial
<b>R3</b>	Multi-Family	<b>B3</b>	General Business	<b>M3</b>	Heavy Industrial
<b>RA/RB</b>	Residential	<b>B4</b>	Roadside Business	<b>MHP</b>	Mobile Home Park
<b>PUD</b>	Planned Unit Dev.	<b>POD</b>	Professional Office District		



ORIGINAL

ORIGINAL

#583

DIGEST SHEET

TITLE OF ORDINANCE Alley & Street Vacation

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE A portion of Allen Avenue and a portion  
of east-west alley running adjacent and east of Allen Avenue.

*G-95-07-07*  
*(60 amended)*

EFFECT OF PASSAGE Property is currently dedicated public  
right-of-way. Property will be vacated and revert to the  
ownership of the adjacent property owners.

EFFECT OF NON-PASSAGE Property will remain dedicated public  
right-of-way.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) \_\_\_\_\_

(ASSIGN TO COMMITTEE) \_\_\_\_\_

BILL NO. G-95-07-07 (AS AMENDED)

REPORT OF THE COMMITTEE ON

FINANCE *Regulations*  
THOMAS C. HENRY - JOHN N. CRAWFORD - CO-CHAIR  
*Rennie* ALL COUNCIL MEMBERS *Hayhurst*

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS

REFERRED AN (ORDINANCE) ~~(RESOLUTION)~~ amending the Thoroughfare  
Plan of the City Comprehensive ("Master") Plan by vacating public  
right-of-way thereof

HAVE HAD SAID (ORDINANCE) ~~(RESOLUTION)~~ UNDER CONSIDERATION  
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID  
(ORDINANCE) ~~(RESOLUTION)~~

DO PASS

DO NOT PASS

ABSTAIN

NO REC

*Thomas C. Henry*

*John N. Crawford*

*James W. Crawford*

*Debbie K. Kuhn*

*John P. D. D.*

*Mark J. Smith*

DATED: *2-27-96*

Sandra E. Kennedy  
City Clerk



## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1221

SANDRA E. KENNEDY, CITY CLERK

February 6, 1996

Ms. Connie Lambert  
Fort Wayne Newspapers, Inc.  
600 West Main Street  
Fort Wayne, IN 46802

Dear Ms. Lambert:

Please give the attached full coverage on the date of February 9, 1996, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council  
of Fort Wayne, IN

Bill No. G-95-11-19 (as amended)  
Utility Easement Vacation

Bill No. G-95-07-07 (as amended)  
Alley and Street Vacation

Please send us 3 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy  
City Clerk

SEK/ne  
ENCL: 2





## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1221

SANDRA E. KENNEDY, CITY CLERK

February 6, 1996

Robert Haller, Attorney  
444 E. Main Street  
Fort Wayne, IN 46802

### NOTICE OF PUBLIC HEARING ON BILL NO. G-95-07-07 (AS AMENDED)

You are hereby notified that the Common Council of Fort Wayne will conduct a public hearing on Tuesday, February 27, 1996, at 5:30 o'clock P.M., in the Common Council Conference Room 128, 1st Floor, City-County Building, One Main Street, Fort Wayne, Indiana, on the following:

Portions of Allen Avenue and of an E/W alley  
east of Allen Avenue - Potential development of  
an office complex

All interested persons are invited to appear and be heard. Any written material may be submitted to the Common Council prior to the hearing.

FORT WAYNE COMMON COUNCIL

Sandra E. Kennedy  
City Clerk

FORT WAYNE COMMON COUNCIL

NOTICE OF A PUBLIC HEARING  
BILL NO. G-95-07-07  
(AS AMENDED)

NOTICE IS HEREBY GIVEN THAT THE FORT WAYNE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, WILL CONDUCT A PUBLIC HEARING ON TUESDAY, FEBRUARY 27, 1996, AT 5:30 P.M., IN THE COMMON COUNCIL CHAMBERS, ROOM 126, CITY-COUNTY BUILDING, ONE MAIN STREET, FORT WAYNE, INDIANA, CONCERNING THE FOLLOWING

An alley south of lots number 67, 68 and W1/2  
of 69, and north of lot number 105 in Highland Park  
Forest Addition

THE PUBLIC IS INVITED TO APPEAR BEFORE COMMON COUNCIL AND EXPRESS THEIR VIEWS.

FORT WAYNE COMMON COUNCIL

SANDRA E. KENNEDY  
CITY CLERK

"REASONABLE ACCOMMODATIONS" FOR PERSONS WITH A KNOWN DISABLING CONDITION WILL BE CONSIDERED IN ACCORDANCE WITH THE STATE AND FEDERAL LAW. ANY PERSON NEEDING A "REASONABLE ACCOMMODATION" SHOULD NOTIFY PUBLIC INFORMATION OFFICE (219) 427-1120, TTY (219) 427-1200, AT LEAST SEVENTY-TWO (72) HOURS PRIOR TO THE MEETING.

SANDRA E. KENNEDY  
CITY CLERK



PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)  
-- number of equivalent lines

Head -- number of lines

Body -- number of lines

Tail -- number of lines

Total number of lines in notice

COMPUTATION OF CHARGES

40 lines, 1 columns wide equals 40 equivalent lines  
at .346 cents per line

\$ 13.84

Additional charge for notices containing rule or tabular work  
(50 percent of above amount)

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

1.00

TOTAL AMOUNT OF CLAIM

\$ 14.84

DATA FOR COMPUTING COST

Width of single column 12.5 ems

Number of insertions 1

Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: FEB 9, 19 96

Title: Clerk

PUBLISHER'S AFFIDAVIT

Fort Wayne Common Council  
Notice of a Public Hearing  
Bill No: G-95-07-07  
(As Amended)

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SANDRA E. KENNEDY  
CITY CLERK  
#124081

2--9

State of Indiana )  
) ss:  
Allen County )

Personally appeared before me, a notary public in and for said county and state, the undersigned JULIE L ROHYANS who, being duly sworn, says that he/she is Clerk of the The News-Sentinel newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 1 time , the dates of publication being as follows:  
2-9-96  
subscribed and sworn to before me this 9th day of FEB, 19 96.

MARY L SCHNEIDER  
Notary Public

MARY L SCHNEIDER  
NOTARY PUBLIC STATE OF INDIANA  
ALLEN COUNTY  
MY COMMISSION EXP JUNE 14, 1997



FW COMMON COUNCIL  
(Governmental Unit)  
ALLEN County, Indiana

To: The Journal-Gazette Dr.  
P.O. Box 100  
Fort Wayne, IN

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Date: FEB 9, 19 96 Title: Julie L Rohyans Clerk

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Mary L Schneider  
Notary Public  
MARY L SCHNEIDER  
NOTARY PUBLIC STATE OF INDIANA  
ALLEN COUNTY  
MY COMMISSION EXP JUNE 14, 1997